

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

PETER THOMPSON,	:	CASE NO. 3:22-cv-00327
Plaintiff,	:	Judge Michael J. Newman
vs.	:	
JEFFREY J. MIMMS, JR., et al.	:	<u>AFFIDAVIT OF RHONDA</u>
Defendants.	:	<u>SALONE</u>

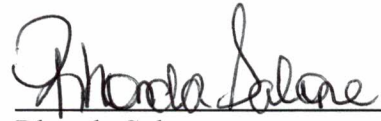
I, Rhonda Salone, after being duly cautioned and sworn, states the following:

1. I am the Acting Utility Account Services Administrator for the City of Dayton Department of Finance.
2. As the Acting Utility Account Services Administrator, I am responsible for managing utility accounts for the City of Dayton customers, including water and sewer accounts.
3. I am familiar with the procedures used within the Division for the billing and collection of invoices for the use of water and sewer services by City of Dayton Customers.
4. I am also familiar with the Water/Sewer Review Board Rules and Regulations with respect to how disputes from City of Dayton customers are handled within the City of Dayton.
5. Pursuant to the procedures and regulations referenced above, when a water or sewer account becomes delinquent, a notice of such delinquency is sent to the customer at the property address of the customer and to the address provided by the property owner to receive such notices.
6. The Plaintiff is listed as an owner for the property at 24 Edgar Avenue. 24 Edgar Avenue is not on well water but rather on the City of Dayton's water system. As such, the water consumption is recorded and monitored through a reading of the meter.
7. The Finance Department has billed the Plaintiff in this matter for the property that is located at 24 Edgar Avenue with regard to the use of water and sewer services.
8. When the account became delinquent, the Department of Finance shut the water off and secured to prevent unauthorized individuals from turning the water back on in a manner consistent with the procedures and regulations referenced above.

9. Furthermore, the Finance Department provided all Notices to the address provided by the Plaintiff when Plaintiff's water and/or sewer accounts became delinquent.
10. Plaintiff was billed for water and sewer services and, prior to the first shut off, the City of Dayton last received payment on the account in March 2022.
11. The City of Dayton conducted a meter reading for the Second Quarter Cycle which produced an estimated reading of 51. The City of Dayton sent a bill to Plaintiff for \$375.79 (invoice number 7474154).
12. Due to the delinquency on the account and pursuant to the regulations, water service was shut off for the property in June 2022.
13. Plaintiff called the City of Dayton on June 27, 2022, after the water was shut off; the City of Dayton representative advised the Plaintiff that the account was paperless and the water will not be restored without payment.
14. Despite the water being turned off at the property at the meter, water service was subsequently turned on by someone other than an official City of Dayton Water Representative ("WSR"), which caused the property to continue to consume water over multiple quarters, and resulted in additional fees and charges for the account.
15. Plaintiff was and continues to be billed for water and sewer services.
16. Between invoices 7474154 and 7538115, the meter read a consumption of 2 gallons; between invoices 7538115 and 7591928, the meter read a consumption of 17 gallons; between invoices 7591928 and 7603111, the meter read a consumption of 1 gallon; and between invoices 7603111 and 7670089, the meter read a consumption of 17.
17. As of February 13, 2023, the account has a net balance of \$982.10.
18. The City of Dayton has implemented all appropriate actions at the property with regard to sending notices for delinquent accounts, shut-off of service and taking all reasonable action to prevent service from being illegally turned back on at the property.
19. All charges for the property were appropriate and authorized by the procedures, rules and regulations set forth by the Review Board.
20. The Plaintiff has been advised about the method to dispute charges for water and sewer services and has been provided a copy of the regulations and a form to submit to appeal to the Review Board and to seek an administrative remedy for any alleged inappropriate or unauthorized charges at the Edgar property.
21. To date, Plaintiff has failed to follow the appropriate actions to dispute charges or the processes or regulations in place for managing water and sewer accounts within the City of Dayton, Ohio.

22. As opposed to filing an administrative appeal to hear the matter, Plaintiff filed this lawsuit in the Southern District Court of Ohio.

Further affiant sayeth naught.


Rhonda Salone

Sworn to before me, a Notary Public in and for the State of Ohio, and subscribed in the presence by the said Rhonda Salone this 28 day of June 2023.


Notary Public



AMY WALP
Notary Public, State of Ohio
Commission #: 2023-RE-860280
My Commission Expires 2-26-28

